

REMARKS

Claims 26-36 are pending.

The rejection under 35 U.S.C. §102(e)

Claims 26-36 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,548,069 (Hymas).

The Applicants respectfully traverse this rejection because Hyman is not prior art. The Applicants have claimed and have been awarded a priority date of November 8, 2000 based on U.S. Patent Application Serial No. 09/708,352. The Applicants amended their priority claim in a Second Preliminary Amendment filed March 2, 2005, a copy of which is Exhibit A. The amended priority claim included a claim for priority from U.S. Patent Application Serial No. 09/708,352. See page 2 of Exhibit A:

IN THE SPECIFICATION:

At page 1, line 2, after the title, please insert the following paragraph:

— CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a divisional of co-pending prior U.S. Patent Application Serial No. 10/726,029 filed on December 1, 2003, which is a divisional of U.S. Patent Application Serial No. 09/708,352 filed on November 8, 2000, which claims benefit of U.S. Patent Application Serial No. 60/164,286, filed on November 8, 1999, the disclosures of which are incorporated herein, in their entirety.--

In an Office Action, dated June 1, 2005, a copy of which is Exhibit B, the Applicants were awarded priority from U.S. Patent Application Serial No. 09/708,352. See page 2 of Exhibit B:

Priority

2. The application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994). The instant application is not granted priority to provisional application 60/164, 286, filed November 8, 1999 for the reasons stated above. However, the instant application is granted priority to U.S. Patent Application 09/708,352 filed November 8, 2000.

Hymas arose from an application that was filed February 3, 2001. Since the present claims are entitled to a priority date of November 8, 2000, Hymas is not prior art under 35 U.S.C. §102(e) to the present claims.

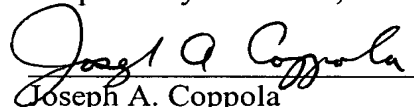
In view of the above, it is respectfully requested that this rejection be withdrawn.

The time for responding to the Office Action was set for March 26, 2007. Enclosed herewith is a Petition for the Extension of Time under 37 C.F.R. § 1.136(a) for a period sufficient to permit the filing of this response. Please charge any corresponding fees for the Petition to Kenyon & Kenyon's Deposit Account No. 11-0600.

The Applicants hereby make a Conditional Petition for any relief available to correct any defect seen in connection with this filing, or any defect seen to be remaining in this application after this filing. The Commissioner is authorized to charge Kenyon & Kenyon's Deposit Account No. 11-0600 for the Petition fee and any other fees required to effect this Conditional Petition.

Dated: APRIL 24, 2007

Respectfully submitted,


Joseph A. Coppola
Reg. No. 38,413

KENYON & KENYON

One Broadway
New York, NY 10004
Tel.: (212) 452-7200
Fax: (212) 452-5288